

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK----- X
SHARIF KING,

Plaintiff,

– against –

LOUISE RUFFIN; CHASE BANK, N.A.,

Defendants.
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: **MEMORANDUM AND ORDER**

: 22-CV-1596 (AMD) (RML)

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ANN M. DONNELLY, United States District Judge:

The plaintiff, who is a prisoner at Five Points Correctional Facility, submitted an application to proceed *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915(a). For the reasons below, the plaintiff’s application is denied.

DISCUSSION

A prisoner can bring an action without prepaying filing fees if he shows that he is “unable to pay such fees or give security therefor.” *See* 28 U.S.C. § 1915(a)(1). Whether a prisoner qualifies for IFP status is “within the discretion of the district court.” *Pinede v. New York City Dep’t of Env’t Prot.*, No. 12-CV-6344, 2013 WL 1410380, at *2 (E.D.N.Y. Apr. 8, 2013); *see also DiGianni v. Pearson Educ.*, No. 10-CV-0206, 2010 WL 1741373, at *1 (E.D.N.Y. Apr. 30, 2010) (citing *Maccaro v. N.Y.C. Health & Hosp. Corp.*, No. 07-CV-1413, 2007 WL 1101112, at *1 (E.D.N.Y. Apr. 11, 2007)). To obtain IFP status, the prisoner must submit an affidavit that “includes a statement of all [his] assets.” 28 U.S.C. § 1915(a)(1). He must also submit a certified copy of his trust fund account summary, or institutional equivalent, for the six month period “immediately preceding the filing of the complaint or notice of appeal,” and is “obtained from the appropriate [prison] official.” *Id.* § 1915(a)(2),

The plaintiff has submitted a financial “declaration,” which states that he has received \$19,700 from a business or from self-employment, \$75,500 from a court settlement and \$1,400 in federal stimulus money in the last 12 months. (ECF No. 2 ¶ 2.) He says that he has two bank accounts, but he cannot get access to them. (*Id.* ¶ 3.) The plaintiff also gives his family approximately \$1,050 each month for support. (*Id.* ¶ 5.) Based on this information, it appears that the plaintiff has sufficient funds to pay the filing fee for this action.

CONCLUSION

Accordingly, the plaintiff’s request to proceed IFP is denied. The plaintiff must pay the \$402 filing fee to proceed with this action, within 30 days from the entry of this Order, or the Court will dismiss his case. *See* 28 U.S.C. § 1915(e)(2)(A). The Clerk of Court is directed to mail a copy of this Order to the plaintiff. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith, and IFP status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
March 28, 2022